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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/737,639
Filed: December 13, 2000
Inventors:
Paul F. Austin

Examiner: Basom, Blaine T.
Group/Art Unit: 2173
Atty. Dkt. No: 5150-50800

Title: SYSTEM AND METHOD
FOR AUTOMATICALLY
CONFIGURING
PROGRAM DATA
EXCHANGE

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, Alexandria, VA 22313-1450, on the date indicated below.

Jeffrey C. Hood

11/1/2004
Date

Signature

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION
OVER A PENDING SECOND APPLICATION**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

1. National Instruments Corporation is the owner of all rights in the captioned application.

2. As sole owner in the captioned application, National Instruments Corporation hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173, as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending second Application Serial No. 09/737,528 titled "System and Method for Automatically Configuring a Graphical Program to Publish or Subscribe to Data" filed on December 13, 2000. National Instruments Corporation hereby agrees

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that any patent so granted on the captioned application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the captioned patent application and is binding upon the grantee of such patent, and its or his successors or assigns.

3. In making the above disclaimer, National Instruments Corporation does not disclaim the terminal part of any patent granted on the captioned patent application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

4. The undersigned is an attorney of record.

The Commissioner is authorized to charge any fees which may be required to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 501505\5150-50800UCH.

Respectfully submitted



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